



Proposed Regulation Agency Background Document

Agency name	Board of Social Work, Department of Health Professions
Virginia Administrative Code (VAC) citation	18 VAC 140-20
Regulation title	Regulations Governing the Practice of Social Work
Action title	Clinical course of study
Document preparation date	July 30, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The proposed regulatory action will specify the educational requirements necessary to qualify a candidate to sit for the licensed clinical social work examination in Virginia. The proposal incorporates language currently adopted as Guidance Document 140-6, effective April 17, 2009. It specifies the specific clinical course requirements by general categories, the minimum number of field placement/practicum hours that should be included, and accreditation standard for master's level clinical programs.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

NASWVA – National Association of Social Workers, Virginia Chapter
BSW – Bachelor of Social Work

MSW – Master of Social Work

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400, which provides the Board of Social Work the authority to promulgate regulations to administer the regulatory system:

§ 54.1-2400 -General powers and duties of health regulatory boards

The general powers and duties of health regulatory boards shall be:

...

6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...

The statutory definition of a clinical social worker is found in:

§ [54.1-3700](#). *Definitions.*

As used in this chapter, unless the context requires a different meaning:

"Clinical social worker" means a social worker who, by education and experience, is professionally qualified at the autonomous practice level to provide direct diagnostic, preventive and treatment services where functioning is threatened or affected by social and psychological stress or health impairment.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

The Board has adopted amendments to further define a clinical course of study in the educational requirements for licensure as a clinical social worker. Currently section 50 of the Board's regulations requires that an applicant for licensure as a clinical social worker be a graduate of a degree program that includes a graduate clinical course of study or provide documentation of having completed specialized experience, course work or training acceptable to the board as "equivalent to a clinical course of study." Section 10 provides a general definition of a "clinical course of study" as "graduate course work which includes specialized advanced courses in human behavior and social environment, social policy, research, clinical practice with

individuals, families, groups and a clinical practicum which focuses on diagnostic, prevention and treatment service.”

Since someone licensed as a *clinical* social worker is “*professionally qualified at the autonomous practice level to provide direct diagnostic, preventive and treatment services where functioning is threatened or affected by social and psychological stress or health impairment*”, it is imperative for the health and safety of future clients that the Board ensure that an applicant has minimal competencies leading to an autonomous clinical practice. Through promulgation of regulations, the Board intends to specify the content of an educational program that would be considered a clinical course of study in order to provide additional guidance to programs and applicants on coursework acceptable for clinical licensure.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the “Detail of changes” section.)

A new section is proposed to set out the educational requirements for licensed clinical social workers. It consists of the minimum course requirements in explanatory theory (12 semester hours), practice theory (12 semester hours), psychopathology (3 semester hours), social work practice research (3 semester hours) and elective hours in diversity issues, social justice, culture, and at-risk populations as part of a Master of Social Work educational program. Additionally, there is a 600-hour requirement for a practicum or field placement supervised by a qualified clinical social worker. Regulations allow for certain hours earned in a BSW program to be counted toward to clinical course requirements and for any deficit in the field placement hours to be made up in the post-graduate supervised experience. Finally, the master of social work program must be accredited by the Council on Social Work Education.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

1) There are no disadvantages to the public. The specificity of a clinical course of study will help ensure that persons licensed as *clinical* social workers are appropriately educated and trained to do diagnosis and treatment. There is also an advantage to persons interested in licensure as a clinical social worker because they will have a clear educational standard to follow rather than waiting for review of the educational credentials at the time of applying for registration to begin supervision. Currently, applicants who have completed a MSW program

may not have pursued a “clinical course of study” and therefore do not qualify for a clinical license.

2) The primary advantage to the agency is greater clarity in the regulations, which will provide the regulatory framework now addressed in a guidance document. There are no advantages or disadvantages to the Commonwealth.

3) There are no other matters of interest.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There is no effect on localities.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so on the Virginia Regulatory Townhall at www.townhall.virginia.gov or by mail, email or fax to Elaine Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233 or to Elaine.yeatts@dhp.virginia.gov or by fax to (804) 527-4434. Written comments

must include the name and address of the commenter. In order to be considered comments must be received by the last date of the public comment period.

A public hearing will be held and notice of the public hearing may appear on the Virginia Regulatory Town Hall website (www.townhall.virginia.gov) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</p>	<p>a) As a special fund agency, the Board must generate sufficient revenue to cover its expenditures from non-general funds, specifically the renewal and application fees it charges to practitioners for necessary functions of regulation; b) The agency will incur some one-time costs (less than \$1,000) for mailings to the Public Participation Guidelines mailing lists, conducting a public hearing, and sending notice of final regulations to regulated entities. Every effort will be made to incorporate those into anticipated mailings and Board meetings already scheduled. There are no additional costs to the agency for conducting informal fact-finding by a subordinate.</p>
<p>Projected cost of the regulation on localities</p>	<p>None</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the regulation</p>	<p>The entities that are likely to be affected by these regulations would be persons preparing for licensure in Virginia as a clinical social worker.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>There is no estimate of the number of entities that would be affected. Since the educational programs that have graduate programs in Social Work have been involved in the discussion and development of these regulations, it is likely that students are already being appropriately prepared for clinical licensure. Students that come from programs outside of Virginia that do not meet the requirements for a clinical course of study must already do remedial work to bring their qualifications in line with the Board’s definition of a “clinical course of study.”</p>
<p>Projected cost of the regulation for affected individuals, businesses, or other entities. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</p>	<p>The cost for compliance would depend on the amount of additional graduate level courses or supervised field placement a candidate may be missing.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

To address the need for further definition of a “clinical course of study,” the Regulatory Committee requested that Dolores Paulson, a member of the Board, research the issue and develop a summary of educational coursework necessary to lead to licensure as a clinical social worker. She presented a working draft to the Committee at a public meeting on January 10, 2008. Representatives from all the accredited schools of social work with master’s programs in Virginia were specifically invited to attend - George Mason University, Norfolk State University, Radford University, and Virginia Commonwealth University. Virginia Commonwealth University and George Mason University attended the meeting and participated in the discussion about the minimal coursework necessary to be considered a clinical concentration. Clarification of coursework necessary in the foundation year as opposed to the clinical concentration year was requested. Additionally, the Committee noted the need for more specific requirements for field experience and designation of a minimum number of hours for a clinical field placement.

While the Social Work Program at Radford University did not participate in person with the Committee discussion, it reported by email that it has had several incidents this year alone in which graduates of their program, seeking licensure from the states of New York or Florida, found that the MSW degree from its accredited School of Social Work with a clinical emphasis (“family-based community practice”) was not enough proof of clinical content when applying for licensure. Consequently, the School has been forced to provide a letter explaining the clinical content of its program, internship documentation of “clinical placements,” past syllabi for the determination of “clinical content,” etc. It is a tremendous burden to provide this documentation per graduate student. Therefore, there appears to be a need to determine more explicitly what constitutes a clinical course of study so applicants are acceptable for licensure in this and other states.

One alternative was to continue to consider each applicant on a case-by-case basis. The Board does not believe that is an adequate solution because it can result in denial of licensure for someone who has invested several years of education and supervised experience in a course of study not deemed appropriately clinical in nature. Another solution would be to have the Council on Social Work Education (CSWE), the national accrediting body for social work education, identify which programs of social work or specialized tracks meet the requirements for clinical licensure. To date, CSWE has not taken that action, so the Board has worked with the accredited programs to achieve a consensus about a clinical course of study.

The proposed regulations are similar to current regulations of the Board of Counseling for licensed professional counselors, who are also autonomous clinical practitioners. Section 51 of Chapter 115-20-10 et seq. Regulations Governing the Practice of Professional Counseling provides coursework requirements consisting of 60 semester hours or 90 quarter hours of graduate study in specified core areas with a minimum of three semester hours in each of twelve areas identified in regulation. The proposed regulations for a clinical course of study for licensed

clinical social workers specifies a minimum course requirement of 30 semester hours in explanatory theory, practice theory, psychopathology, social work practice research and other issues (diversity, social justice, at-risk populations, etc.). Therefore, the proposed coursework requirement for clinical social workers is significantly less restrictive and more flexible than for licensed professional counselors (who may have similar practices).

Regulatory flexibility analysis

The Board has already addressed the issue through the adoption of a guidance document, but that is not enforceable in a credentialing decision in which a course of study is reviewed for clinical content. The Board involved all interested parties in the development of the guidance document, which is the substance of the regulatory proposal.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

The Notice of Intended Regulatory Action was published on June 8, 2008 with comment received until July 8, 2008. Those who commented were commenting on the draft guidance document which was eventually finalized in response to comment on April 17, 2009.

Commenter	Comment	Agency response
Debra Riggs, NASWVA	1) Requirement for specific coursework at the Master’s level (MSW) should allow courses completed at the bachelor’s level count for a person who has the BSW and Advanced Standing in the Masters program. 2) A required course in <i>Ethics</i> may exclude some applicants, since ethics is infused throughout the curriculum.	2) The Board adopted the recommendation to allow up to 6 hours of explanatory theory and 6 hours of practice theory completed in the bachelor degree program to count towards meeting the course work requirement for a clinical license. 2) The Board adopted the recommendation and eliminated the specific course in ethics from the guidance document and the proposed regulations.
Mary Kiernan-Stern & Miriam Raskin George Mason University Diane Hodge Deneen Evans Radford University	1) Same comment about allowing BSW courses to count towards clinical concentration at MSW level for Advanced Standing students. 2) A requirement for 900 hours of field work exceeds accreditation standards; remedial field work through the program would not be possible. 3) Same comment about course requirement in <i>Ethics</i> . 4) Specific coursework in diversity, social justice, etc. may be taken in foundation year and may be infused	1) Same response as above. 2) The Board revised the draft guidance document and adopted a 600-hour field placement/practicum. Proposed regulations would also allow a person who did not have the required hours to get the equivalent in post-graduate supervised experience. 3) Course in Ethics deleted from guidance document and proposed regulations. 4) The Board’s intent was that the subject matter be covered, regardless of format.

	<p>in curriculum.</p> <p>5) Requirement for MSW degree and 3 years of experience will make field placements more difficult.</p> <p>6) The Board is attempting to make the social work curriculum similar to professional counseling.</p>	<p>5) The Board added the option for the supervisor of a field placement to be a licensed clinical social worker without any practice experience (since licensure requires 2 years of post-graduate supervised experience).</p> <p>6) The content of the curriculum requirements for clinical social workers and licensed professional counselors is different and unique to the professions (Counseling is considerably more extensive). The only similarity being drawn is that the respective boards have addressed issues with content of educational programs through regulatory language so all applicants and educational programs have a standard to follow.</p>
George Young	<p>1) Should allow professional clinical experience to be considered in lieu of specific clinical coursework.</p> <p>2) Should allow someone to begin supervised experience if he is lacking clinical coursework.</p>	<p>1) The coursework provides the educational foundation, basic knowledge and skills for clinical practice. An individual should not be providing clinical services without the coursework specified in this section. There is no health or mental health profession that allows practice or experience to substitute for coursework.</p> <p>2) The coursework specified in section 49 is minimal (30 hours) within a 60-hour MSW program. Without the foundational courses required in subsection B, one is not qualified to begin providing clinical services to clients.</p>
Jan Reeves, student	<p>1) Concern about requirement for 1 credit hour in ethics; incorporated into curriculum</p>	<p>1) The Board eliminated the specific course requirement from the guidance document, and it was not included in the proposed regs.</p>

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no impact of the proposed regulatory action on the institution of the family and family stability.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

Proposed new section	Proposed change and rationale
49	<p>A. The applicant shall be a graduate of a Master or Doctor of Social Work Program in a clinical course of study. An applicant with a non-clinical concentration shall complete additional graduate level academic course work and field placement to meet all requirements for a clinical course of study.</p> <p><i>Since it is not always possible to clearly identify a program as <u>clinical</u>; the regulation specifies that anyone who does not have the minimum coursework and practicum requirements set out in subsections B and C would have to remediate the deficiencies prior to approval for licensure.</i></p> <p>B. The minimum course requirements for a clinical course of study shall include graduate level courses consisting of:</p> <ol style="list-style-type: none"> 1. Twelve credit hours of explanatory theory; 2. Twelve credit hours of practice theory; 3. Three credit hours of psychopathology including assessment, diagnosis and treatment; 4. Three credit hours of social work practice research; and 5. Coursework in diversity issues, social justice, culture, and at-risk populations. <p><i>Master of Social Work programs are typically 60 semester hours with some of those hours waived for Advanced Standing students with BSW degrees. The core or foundational coursework for a clinical course of study proposed by the Board consists of 30 semester hours with additional coursework in other subject areas addressed in electives or dispersed in the curriculum.</i></p> <p>C. The requirement for a supervised field placement in clinical social work services shall be a minimum of 600 hours, which shall be integrated with clinical course of study coursework and supervised by a person who is a licensed clinical social worker or who holds master's or doctor's degree in social work and has a minimum of three years of experience in clinical social work services after earning the graduate degree. An applicant who has otherwise met the requirements for a clinical course of study but who did not have a minimum of 600 hours in a supervised field placement/practicum in clinical social work services may meet the requirement by obtaining an equivalent number of hours of supervised practice in clinical social work services in addition to the experience required in section 50 of this chapter.</p> <p><i>Some MSW programs exceed 900 hours of supervised field placement and practicum, but the minimum number of hours is set at 600 in the proposed regulation. An applicant who graduated from a program that did not have at</i></p>

least 600 hours (some out-of-state schools) may add the deficit hours to the supervised post-graduate experience required for licensure.

D. Graduates of a bachelor of social work program who earn advanced standing in the masters program shall meet all minimum course requirements for a clinical course of study, except advanced standing students may count up to six hours of explanatory theory and up to six hours of practice theory completed during the bachelor degree program towards meeting the requirements.

Since most MSW programs award Advanced Standing to students with a BSW degree who meet certain academic standards, the proposed regulation would allow those students to fulfill half of the core curriculum in explanatory theory and practice theory in the bachelor level program.

E. A master of social work program shall include foundation course work, common for all social work students, and advanced course work for student specialization; it shall be accredited by the Council on Social Work Education. A Doctor of Social Work program shall, at a minimum, meet all requirements for the advanced course requirements for a clinical course of study; it shall be accredited by the appropriate regional academic accrediting body (i.e., Southern Association of Colleges and Schools).

The accrediting bodies for the MSW and the doctoral programs are the acceptable standard for a minimally qualified educational program in Social Work. All the MSW programs in Virginia are currently accredited.

MSW requirements in Schools of Social Work in Virginia:

1. Radford requires a minimum of 61 credit hours (adv. standing students complete min. 37 credit hours). Practicum is 480 hours first year, 600 hours second year.

2. VCU (both Richmond campus and Northern VA campus) requires 60 credit hours (adv. standing is 39 credit hours). VCU’s practicum is 14 hours per week first year, 21 hours per week 2nd year – their literature says that they “meet or exceed the minimum 900 hours of field instruction” specified by CSWE for graduate programs.

3. GMU requires a minimum of 60 credits (adv. standing students complete min. 33 credit hours). Practicum is 1050 hours (adv. standing students complete 600 hours of supervised field practicum)

4. Norfolk State requires a minimum of 60 credit hours (adv. standing students complete a min. of 40 – 60 credit hours). Practicum is 420 hours first year, 504 hours 2nd year.

